IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10804 OF 2004

Someshwar Mahila Mandal, Kundal ..Petitioner.
Vs.
The State of Maharashtra & Ors. ..Respondents.

Mr.Pratap Patil, adv. for the Petitioner.
Mr.R.M.Patne, A.G.P. for the Respondent Nos.1 to 3.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 19, 2007.

P.C.:

1. Heard the learned counsel for the Parties. Read the affidavit of Mr.Parag Suresh Soman, District Supply Officer, Sangli.

2. The contention of the petitioner is that it is a registered association of women running a fair price shop and as per the Government Resolution, 30% of the shops including the dealership of kerosene are to be granted to women or a co-operative society of women. However, in preference to the petitioner's society, District Supply Officer granted retail dealership of kerosene to another co-operative society, which is the respondent no.4 in violation of that reservation policy. Affidavit reveals that as per the Government Resolution dated 13th May, 1998, in all 30% kerosene shops should be given to women. When the review was

taken, it was found that inall 169 such shops are sanctioned and out of them 94 shops are in general category and 75 shops are given to women. Thus women are already given 44% of the shops, which are in excess of reservation of 30% provided by the Government Resolution. When the question of allotment of disputed kerosene shops was raised, it was found that the respondent no.4 was better qualified and it was put in the first priority while the petitioner was at serial number 2 in the priority. Therefore, the kerosene dealership was granted to the respondent no.4.

3. In view of the above facts, it is clear that the Government has not violated policy of 30% reservation for women. In fact the Government has already allotted more than 30% shops to the women or the societies of the women. In view of this, the petitioner society could compete with the respondent no.4 in the general category only. Admittedly, the respondent no.4 was at priority no.1 on the basis of merits and the petitioner was at priority no.2. Therefore, I find no fault with the allotment of kerosene shops to the respondent no.4.

4. In the result, petition stands dismissed.

[J.H.BHATIA, J.]